IN THE UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE NORTHERN DIVISION AT KNOXVILLE

KENNETH A. BOWMAN, and)
COMMERCIAL BANK,	
Plaintiffs,)))
vs.) CASE NO.:
)
ASSURANCE COMPANY OF)
AMERICA,)
Defendant.))

NOTICE OF REMOVAL

COMES NOW, Defendant, Assurance Company of America, by and through counsel, and pursuant to 28 U.S.C. § 1441 and § 1446, hereby files this Notice of Removal, and would state and show as follows:

- The present action is pending in the Circuit Court for Knox County, Tennessee,
 Docket No.: 3-38407.
- 2. This Court has original jurisdiction over the present action pursuant to its diversity jurisdiction, 28 U.S.C. § 1332. Plaintiff, Kenneth A. Bowman, is a citizen and resident of Tennessee and resides at 102 Huntington Lane, Heiskell, Knox County, Tennessee 37754. Plaintiff, Commercial Bank, is a Tennessee banking corporation with its principal place of business located at 18710 Cumberland Gap Parkway, Harrogate, Claiborne County, Tennessee 37752. Defendant Assurance Company of America is a New York corporation with its principal place of business in Schaumburg, Illinois. Thus, complete diversity between Plaintiffs and Defendant

exists as required by 28 U.S.C. § 1332 (a)(1).

3. The Plaintiffs' prayer for relief in the Amended Complaint exceeds the sum of

\$75,000; therefore, the requirement of 28 U.S.C. § 1332 (a) is met.

4. The present Notice of Removal is being filed within thirty (30) days after the receipt

by Defendant, through service or otherwise, of a copy of the initial pleading

(Amended Complaint) setting forth the claim for relief upon which the present action

is based as required by 28 U.S.C. § 1446(b).

5. A copy of all process, pleadings, and orders served upon Defendant in the present

case are attached hereto as Exhibit A, as required by 28 U.S.C. § 1446(a).

6. Defendant consents to the removal of the case and to the filing of the present Notice

of Removal as evidenced herein by signature of counsel for Defendant.

7. A copy of the present Notice of Removal will promptly be filed with the clerk of the

Knox County Circuit Court, and written notice thereof shall be given to Plaintiffs, as

required by 28 U.S.C. § 1446(d).

Respectfully submitted,

Barry L./Howard (#5887)

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on the following persons U.S. mail, postage prepaid, on the following:

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Attorney for Plaintiff Kenneth A. Bowman

on this the _____ day of October, 2007.

Barry I Howard